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1300 I Street, NW  
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FACSIMILE TRANSMITTAL

TO

Name: PCT Legal Affairs  
Diana Oleksa  
George Dombroske

Firm: USPTO  
Fax No.: (703) 308-6459

Phone No.:

Date: April 15, 2003

Subject: Application No. 09/937,314

FROM

Name: Charles E. Van Horn  
Reg. No. 40,266

Phone No.: (202) 408-4072

Fax # Verified by: C. Van Horn

# Pages (incl. this) 19

Our File No. 05725.0932-00000

Confirmation Copy to Follow: No

Message:

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8

I hereby certify that the attached papers, "Petition Under 37 C.F.R. § 1.181, Letter and attachments," are being transmitted by facsimile to the U.S. Patent and Trademark Office on the above-identified date.

RECEIVED

15 APR 2003

CEVH/clw

Legal Staff  
International Division

*Charles E. Van Horn*

Charles E. Van Horn  
Reg. No. 40,266

If there is a problem with this transmission, notify fax room at (202) 408-4174 or the sender at the number above.

This facsimile is intended only for the individual to whom it is addressed and may contain information that is privileged, confidential, or exempt from disclosure under applicable law. If you have received this facsimile in error, please notify the sender immediately by telephone (collect), and return the original message by first-class mail to the above address.

**BOX PCT LEGAL  
PATENT**

Customer No. 22,852

Attorney Docket No. 05725.0932-00000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re National Stage of International Application No. )  
PCT/FR01/00229 of: )

**Véronique FERRARI** )

) Group Art Unit: unassigned

Application No.: 09/937,314 )

) Examiner: unassigned

PCT Filed: January 24, 2001 )

National Stage Entry: September 24, 2001 )

For: A TRANSFER-FREE COMPOSITION )  
COMPRISING AT LEAST ONE FATTY )  
PHASE THAT IS STRUCTURED WITH AT )  
LEAST ONE POLYMER )

Commissioner for Patents  
Washington, DC 20231

**ATTN: BOX PCT LEGAL**

Sir:

**LETTER**

On September 24, 2001, a National Stage Application of International Application No. PCT/FR01/00229 was filed under 35 U.S.C. § 371 with the Patent and Trademark Office (PTO). This application was filed with a Transmittal Letter, English translation of International Application No. PCT/FR01/00229 and a copy of the cover page of WIPO Publication No. WO 01/52799 A1. On December 6, 2001, a Transmittal Letter, an executed French Language Declaration and a check for \$130.00 were filed with th

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Application No. 09/937,314  
Attorney Docket No. 05725.0932-00000  
Custom r No.: 22,852

PTO, as were an Information Disclosure Statement, Form 1449 and a copy of the International Search Report issued in International Application No. PCT/FR01/00229.

A Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) was mailed by the PTO on January 17, 2002.

This Notification indicated that an Oath or declaration of the inventors had to be furnished in order to complete the requirements for acceptance under 35 U.S.C. 371.

On April 16, 2002, a Response to Notification of Missing Requirements under 35 U.S.C. 371 was filed with the PTO, along with copies of the Notification of Missing Requirements, the Transmittal Letter, the executed French Language Declaration, and check number 054963 as well as a copy of the date stamped postcard receipt evidencing their previous filing on December 6, 2001.

On April 10, 2003, we contacted the Office about the status of this application and were informed that it has no record of receipt of the Response to Notification of Missing Requirements. Accordingly, Applicant submits herewith a Petition Under 37 C.F.R. 1.181 along with a copy of the papers filed and a copy of the date stamped postcard receipt evidencing their filing.

In view of the fact that the Declaration was submitted twice in this application, and Applicant timely responded to the Notification of Missing Requirements and paid the required surcharge, all of the informalities of this application should be completed.

Accordingly, Applicant herein requests that the Office process the above-mentioned National Stage Application papers filed with the Office on December 6, 2001, and resubmitted herewith.

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lication No. 09/937,314  
Attorney Docket No. 05725.0932-00000  
Customer No.: 22,852

Please grant any extensions of time required to enter this letter and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: April 15, 2003

By: Charles E. Van Horn  
Charles E. Van Horn  
Reg. No. 40,266

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5725.0932

TC/206

**PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:**

National Stage of International Application No. PCT/FR01/00229 under 35 U.S.C. 371

In re Application of: Véronique FERRARI

Application No.: 09/937,314

Filed: September 24, 2001

Group Art Unit: Unassigned

Examiner: Unassigned

FOR: A TRANSFER-FREE COMPOSITION COMPRISING AT LEAST ONE FATTY PHASE THAT IS STRUCTURED WITH A LEAST ONE POLYMER (As Amended)

- 
- PAPERS FILED:** 1. Response to Notification of Missing Requirements/copy of Notification of Missing Requirements (2 pgs.)/copy of Transmittal Letter (2 pgs.)/copy of executed French Language Declaration (4 pgs.)/copy of date stamped postcard receipt/copy of Check No. 054963
- 



Dated: April 16, 2002  
Client N .: 05725.0932-00000  
Attorney: A. Vance/P. Gebhardtsbauer - MD# 930

**DUE DATE: APRIL 17, 2002**

050 4202 8

Cust m r N .:



22852

PATENT TRADEMARK OFFICE

Attorney Docket No. 05725.0932-00

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re National Stage of International Application No. PCT/FR01/00229 of:

Véronique FERRARI

Application No.: 09/937,314

Filed: September 24, 2001

For: A TRANSFER-FREE COMPOSITION  
COMPRISING AT LEAST ONE  
FATTY PHASE THAT IS  
STRUCTURED WITH AT LEAST  
ONE POLYMER (As Amended)

Group Art Unit: Unassigned

Examiner: Unassigned

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371**

**Box PCT**  
Commissioner for Patents and Trademarks  
Washington, D.C. 20231

**Attention: Box Missing Parts**

Sir:

In response to the Notification of Missing Requirements mailed January 17, 2002, Applicant submits an identical copy of the Transmittal Letter and executed Declaration/Power of Attorney that were filed with the U.S. Patent and Trademark Office on December 6, 2001. A copy of the date-stamped postcard confirming that

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Attorney Docket No. 05725.0932-00  
Application No. 09/937,314

the Transmittal Letter and executed Declaration/Power of Attorney were filed on December 6, 2001, is also submitted.

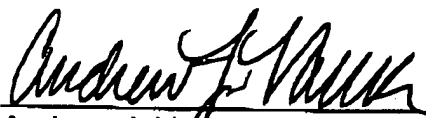
Since the executed Declaration/Power of Attorney filed on December 6, 2001 was accompanied by a check in the amount of \$130.00, a copy of which is enclosed herewith, the required surcharge fee of \$130.00 is not being submitted with this response. Moreover, Applicant does not believe any extension of time is necessary since there were no missing requirements as of the date of the Notification of Missing Requirements (i.e., January 17, 2002).

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By:



Andrew J. Vance  
Reg. No. 45,174

Dated: April 16, 2002

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commission for Patents, Her Majesty's  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NUMBER NO. 09/937,314	FIRST NAMED APPLICANT Veronique FERRARI	ATTY. DOCKET NO. 05725.0932
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INTERNATIONAL APPLICATION NO.

PCT/FR01/00229

I.A. FILING DATE 01/24/2001	PRIORITY DATE 01/24/2000
--------------------------------	-----------------------------

Ernest F. Chapman  
Finnegan Henderson Farabow Garrett & Dunner  
1300 I Street, N.W.  
Washington, DC 20005-3315

RECEIVED  
JAN 23 2002

JAN 23 2002

FINNEGAN HENDERSON  
FARABOW GARRETT & DUNNER, LLP

CONFIRMATION NO. 8380  
371 FORMALITIES LETTER

\*000000007301991\*

Date Mailed: 01/17/2002

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- U.S. Basic National Fees
- Priority Document
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the Inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 20 months months from the priority date (37 CFR 1.492(e)) is required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:



- \$130 Late Fee or Registration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice **MUST** be returned with the response.

FRANCINE YOUNG

Telephone: (703) 305-3662

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/937,314	PCT/FR01/00229	05725.0932

Docketed 1-22-02 Attorney TLI-PAT  
 Class 5725-932  
 Due Date 3-17-02 6/1/02  
 Action Dev + Schy  
 By WJ

FORM PTO-1390 REV. 2011		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		INVENTOR'S DOCKET NUMBER 05725.0932-00000	
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>				U.S. APPLICATION NO. (If known, see 37CFR1.5)	
INTERNATIONAL APPLICATION NO. <b>PCT/FR01/00229</b>		INTERNATIONAL FILING DATE <b>January 24, 2001</b>		PRIORITY DATE CLAIMED <b>January 24, 2000</b>	
TITLE OF INVENTION <b>TRANSFER-RESISTANT COMPOSITION STRUCTURED IN RIGID FORM BY A POLYMER</b>					
APPLICANT(S) FOR DO/EO/US <b>Véronique FERRARI</b>					
Applicant(s) herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:					
1.	<input type="checkbox"/>	This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C 371.			
2.	<input checked="" type="checkbox"/>	This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.			
3.	<input type="checkbox"/>	This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.			
4.	<input type="checkbox"/>	The US has been elected by the expiration of 19 months from the priority date (Article 31).			
5.	<input type="checkbox"/>	A copy of the International Application as filed (35 U.S.C. 371 (c)(2)).			
	a.	<input type="checkbox"/>	is attached hereto (required only if not communicated by the International Bureau).		
	b.	<input type="checkbox"/>	has been communicated by the International Bureau.		
	c.	<input type="checkbox"/>	is not required, as the application was filed with the United States Receiving Office (RO/US).		
6.	<input type="checkbox"/>	An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).			
	a.	<input type="checkbox"/>	is attached hereto.		
	b.	<input type="checkbox"/>	has been previously submitted under 35 U.S.C. 154 (d)(4).		
7.	<input type="checkbox"/>	Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)).			
	a.	<input type="checkbox"/>	are attached hereto (required only if not communicated by the International Bureau).		
	b.	<input type="checkbox"/>	have been communicated by the International Bureau.		
	c.	<input type="checkbox"/>	have not been made; however, the time limit for making such amendments has NOT expired.		
	d.	<input type="checkbox"/>	have not been made and will not be made.		
8.	<input type="checkbox"/>	An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).			
9.	<input checked="" type="checkbox"/>	An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).			
10.	<input type="checkbox"/>	An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).			
Items 11 to 20 below concern document(s) or information included:					
11.	<input checked="" type="checkbox"/>	Information Disclosure Statement under 37 CFR 1.97 and 1.98			
12.	<input type="checkbox"/>	An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.			
13.	<input type="checkbox"/>	A <b>FIRST</b> preliminary amendment.			
14.	<input type="checkbox"/>	A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.			
15.	<input type="checkbox"/>	A Substitute specification.			
16.	<input type="checkbox"/>	A change of power of attorney and/or address letter.			
17.	<input type="checkbox"/>	A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.			
18.	<input type="checkbox"/>	A second copy of the published international application under 35 U.S.C. 154 (d)(4).			
19.	<input type="checkbox"/>	A second copy of the English language translation of the international application 35 U.S.C. 154 (d)(4).			
20.	<input checked="" type="checkbox"/>	Other items or information:			
	a.	<input type="checkbox"/>	Copy of cover page of International Publication No. WO		
	b.	<input type="checkbox"/>	Copy of Notification of Missing Requirements.		
	c.	<input type="checkbox"/>			

U.S. APPLICATION NO. (if known, see 37C		INTERNATIONAL APPLICATION NO. PCT/FR01/00229		ATTORNEY'S DOCKET NUMBER 05725.0932-00000	
21. <input checked="" type="checkbox"/> The following fees are submitted: <b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):</b>				<b>CALCULATIONS PTO USE ONLY</b>	
Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO .....				\$1000.00	
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO .....				\$860.00	
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search fee (37 CFR 1.445(a)(2)) paid to USPTO .....				\$710.00	
International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) .....				\$690.00	
International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33 (1)-(4) .....				\$100.00	
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				<b>\$</b>	
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (e)).				\$ 130.00	
				<input checked="" type="checkbox"/> 20 <input type="checkbox"/> 30	
<b>CLAIMS</b>	<b>NUMBER FILED</b>	<b>NUMBER EXTRA</b>	<b>RATE</b>		
Total Claims	- 20 -		x \$18.00	\$	
Independent Claims	- 3 -		x \$80.00	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+\$270.00	\$	
<b>TOTAL OF THE ABOVE CALCULATIONS =</b>				<b>\$ 130.00</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	
<b>SUBTOTAL =</b>				<b>\$ 130.00</b>	
Processing fee of \$130.00 for furnishing the English translation later than months from the earliest priority date (37 CFR 1.492(f)).				\$	
				<input type="checkbox"/> 20 <input type="checkbox"/> 30	
<b>TOTAL NATIONAL FEE =</b>				<b>\$ 130.00</b>	
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.				\$	
<b>TOTAL FEES ENCLOSED =</b>				<b>\$ 130.00</b>	
				Amount to be refunded:	\$
				charged:	\$
<p>a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>130.00</u> to cover the above fee is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>06-0916</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>					
<p><b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.</p>					
<p><b>SEND ALL CORRESPONDENCE TO:</b>                  Finnegan, Henderson, Farabow, Garrett &amp; Dunner, L.L.P.                  1300 I Street, N.W.                  Washington, D.C. 20005-3315</p>					
				<p style="font-size: 1.2em;"><i>Michele C. Bosch</i></p> <p>SIGNATURE</p>	
				<p>Michele C. Bosch/Registration No. 40,524</p> <p>NAME/REGISTRATION NO.</p>	
DATED: December 6, 2001					

5725.0932

*TE/PA*

**PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:**

National Stage of International Application No. PCT/FR01/00229 under 35 U.S.C. 371

In r Application of: Véronique FERRARI

Serial No.: Unassigned

Filed: September 24, 2001

Group Art Unit: Unassigned

Examiner: Unassigned

FOR: TRANSFER-RESISTANT COMPOSITION STRUCTURED IN RIGID FORM BY A POLYMER

- 
- PAPERS FILED:**
1. Transmittal Letter (2 pgs.)/executed French Language Declaration (4 pgs.)/check for \$130.00
  2. Information Disclosure Statement Under 37 C.F.R. § 1.97(b) (3 pgs.)/Form PTO 1449 (2 pgs.)/Int'l. Search Report (6 pgs.)/Documents (19)
- 



Dated: December 6, 2001

Client No.: 05725.0932-00000

Attorney: M. Bosch/P. Gebhardt/bauer - MD# 930

**DUE DATE: NO DUE DATE**

*270 12701 73*